

HOUSE No. 1885

By Mr. O'Brien of Kingston, petition of Thomas J. O'Brien and others relative to jet skis, surf jets, wet bikes, and other watercrafts in municipalities. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

PETITION OF:

Thomas J. O'Brien	Anne M. Paulsen
Richard T. Moore	Karen E. Spilka
Douglas W. Petersen	Patricia D. Jehlen
Kay Khan	Alice Hanlon Peisch

In the Year Two Thousand and Five.

AN ACT RELATIVE TO JET SKIS, SURF JETS, WET BIKES, AND OTHER PERSONAL WATERCRAFT IN MUNICIPALITIES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of chapter 90B of the General Laws, as
2 appearing in the 1998 Official Edition, is hereby amended by
3 inserting after the definition of "Personal flotation devices" the
4 following definition:—

5 "Personal watercraft", a vessel, by whatever name, propelled
6 by water jet or other machinery as its principal source of motor
7 propulsion which is designed to travel over water and to be oper-
8 ated by a person sitting, standing or kneeling on the vessel rather
9 than being operated in the conventional manner by a person sitting
10 or standing inside the vessel, including but not limited to jet skis,
11 surf jets and wet bikes.

1 SECTION 2. Paragraph (n) of the fourth paragraph of
2 section 11 of said chapter 90B, as so appearing, is hereby
3 amended by inserting after the word "town", in line 90, the
4 following:— except as provided in section 15A.

1 SECTION 3. Said chapter 90B is hereby further amended by
2 inserting after section 15 the following section:—

3 Section 15A. (a) Notwithstanding the provisions of para-
4 graph (n) of the fourth paragraph of section 11 of chapter 90B and
5 section 45 of chapter 131 or any other general or special law to
6 the contrary, any city or town may make and enforce rules and
7 regulations relative to the use of jet skis, surf jets, wet bikes, or
8 other personal watercraft, as defined in section 1 of said
9 chapter 90B, on any pond or lake not to exceed 750 acres in which
10 the whole or any portion of such pond or lake is located within its
11 boundaries. Such rules and regulations may include a total ban on
12 the use of jet skis, surf jets, wet bikes, or other personal water-
13 craft, as defined in section 1 of said chapter 90B. Where a pond or
14 lake lies within the boundaries of more than one municipality, a
15 single municipality may apply such rules and regulations to that
16 portion of the pond or lake that lies within its boundaries without
17 the agreement of any other municipality. Rules and regulations
18 adopted pursuant to authority of this section do not require the
19 approval of the director of law enforcement of the department of
20 fisheries, wildlife and environmental law enforcement. Any rules
21 or regulations adopted pursuant to the authority of this section
22 shall not be valid unless published in a newspaper of general dis-
23 tribution in said city or town not less than five days before the
24 effective date thereof.

25 (b) Any city or town that adopts rules or regulations relative to
26 the use of jet skis, surf jets, wet bikes, or other personal water-
27 craft, as defined in section 1 of chapter 90B, shall construct signs
28 bearing such rules and regulations as may be adopted, and such
29 signs shall be conspicuously placed facing the water on the shore
30 near each boundary.

1 SECTION 4. Section 45 of chapter 131 of the General Laws, as
2 appearing in the 1998 Official Edition, is hereby amended by
3 inserting after the word “enforcement”, in line 26, the follow-
4 ing:— except as provided in section 15A of chapter 90B.